

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DONALD D. CONLEY,
Plaintiff,
v.

JARROD R. KENNELLY,
Defendant.

No. C 09-00836 CW (PR)

ORDER OF DISMISSAL WITHOUT
PREJUDICE

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On July 13, 2009, mail directed to Plaintiff by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and

1 (2) the court fails to receive within sixty days of this return a
2 written communication from the pro se party indicating a current
3 address. See L.R. 3-11(b).

4 More than sixty days have passed since the mail directed to
5 Plaintiff by the Court was returned as undeliverable. The Court
6 has not received a notice from Plaintiff of a new address.
7 Accordingly, the complaint is DISMISSED without prejudice pursuant
8 to Rule 3-11 of the Northern District Local Rules.

9 The Clerk of the Court shall enter judgment in accordance with
10 this Order, terminate all pending motions, and close the file.

11 IT IS SO ORDERED.

12 Dated: September 23, 2009



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DONALD D. CONLEY,
Plaintiff,

Case Number: CV09-00836 CW

CERTIFICATE OF SERVICE

v.

JARROD R. KENNELLY et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 23, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Donald D. Conley UL0497
Federal Reg. No. 20407-148
Glenn Dyer Jail
550 6th Street
Oakland, CA 94607

Dated: September 23, 2009

Richard W. Wieking, Clerk
By: Clara Pierce, Deputy Clerk